

CHAMBER ACTION

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1 The Transportation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to speed limit enforcement on state roads;  
7 creating s. 316.1893, F.S.; providing legislative intent;  
8 providing for establishment by the Department of  
9 Transportation of enhanced penalty zones on state roads;  
10 authorizing the department to set speed limits within  
11 those zones; directing the department to adopt a uniform  
12 system of traffic control devices to be used within the  
13 zones; prohibiting operation of a vehicle at a speed  
14 greater than that posted in the enhanced penalty zone;  
15 directing the Department of Highway Safety and Motor  
16 Vehicles to tabulate citations issued within enhanced  
17 penalty zones and make available certain information;  
18 directing the Department of Transportation, the Department  
19 of Highway Safety and Motor Vehicles, and the Department  
20 of Education to conduct a study and report to the Governor  
21 and the Legislature for certain purposes; amending s.  
22 318.18, F.S.; removing a condition for an increased  
23 penalty for violation of posted speed in a construction

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24 zone; providing penalties for violation of posted speed in  
 25 an enhanced penalty zone; providing for distribution of  
 26 moneys collected; amending s. 318.21, F.S.; correcting  
 27 cross-references to conform to changes made by the act;  
 28 reenacting ss. 318.14(2), (5), and (9), 318.15(1)(a) and  
 29 (2), 318.21(7), 402.40(4)(b), and 985.406(4)(b), F.S.,  
 30 relating to noncriminal traffic infraction procedures,  
 31 failure to comply with civil penalty or to appear,  
 32 disposition of civil penalties by county courts, child  
 33 welfare training, and juvenile justice training academies,  
 34 respectively, for the purpose of incorporating the  
 35 amendment made to s. 318.18, F.S., in references thereto;  
 36 providing an effective date.

37

38 Be It Enacted by the Legislature of the State of Florida:

39

40 Section 1. Section 316.1893, Florida Statutes, is created  
 41 to read:

42 316.1893 Establishment of enhanced penalty zones;  
 43 designation.--

44 (1) It is the intent of the Legislature to prevent  
 45 vehicular fatalities by prioritizing enforcement on segments of  
 46 highways that have a high incidence of fatalities. Enforcement  
 47 shall also be prioritized during the times that fatalities most  
 48 often occur. The enforcement of these zones shall be in a way  
 49 that maximizes public safety.

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50       (2) No later than July 1, 2008, the Department of  
51 Transportation shall identify enhanced penalty zones on state  
52 roads where there is a high incidence of fatalities.

53       (3) The Department of Transportation, pursuant to the  
54 authority granted under s. 316.187, is authorized to set such  
55 maximum and minimum speed limits for travel within enhanced  
56 penalty zones as it deems safe and advisable.

57       (4) The Department of Transportation shall adopt a uniform  
58 system of traffic control devices for use in conjunction with  
59 enhanced penalty zones pursuant to the authority granted under  
60 s. 316.0745.

61       (5) A person may not drive a vehicle on a roadway  
62 designated as an enhanced penalty zone at a speed greater than  
63 that posted in the enhanced penalty zone in accordance with this  
64 section. A person who violates the speed limit within a legally  
65 posted enhanced penalty zone established under this section  
66 commits a moving violation, punishable as provided in chapter  
67 318.

68       (6) The Department of Highway Safety and Motor Vehicles  
69 shall annually publish the date, time, and number of citations  
70 issued both in and outside enhanced penalty zones and shall make  
71 available statistical information based thereon as to the number  
72 and circumstances of traffic citations inside an enhanced  
73 penalty zone.

74       Section 2. The Department of Transportation, the  
75 Department of Highway Safety and Motor Vehicles, and the  
76 Department of Education shall jointly conduct a study of highway  
77 safety and transportation issues as they relate to public

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78 safety, including, but not limited to, engineering, enforcement,  
79 and policy, to identify measurable improvements to reduce  
80 highway traffic fatalities by one-third of the 2005 traffic  
81 death statistics. The results of the study shall be presented to  
82 the Governor, the President of the Senate, and the Speaker of  
83 the House of Representatives no later than July 1, 2007, for a  
84 public hearing and development of legislative recommendations.

85 Section 3. Paragraph (d) of subsection (3) of section  
86 318.18, Florida Statutes, is amended, paragraphs (e) and (f) of  
87 that subsection are redesignated as paragraphs (f) and (g),  
88 respectively, and a new paragraph (e) is added to that  
89 subsection, to read:

90 318.18 Amount of civil penalties.--The penalties required  
91 for a noncriminal disposition pursuant to s. 318.14 are as  
92 follows:

93 (3)

94 (d) A person cited for exceeding the speed limit in a  
95 posted construction zone shall pay a fine double the amount  
96 listed in paragraph (b). ~~The fine shall be doubled for~~  
97 ~~construction zone violations only if construction personnel are~~  
98 ~~present or operating equipment on the road or immediately~~  
99 ~~adjacent to the road under construction.~~

100 (e) A person cited for exceeding the speed limit in an  
101 enhanced penalty zone shall pay a fine amount of \$50 plus the  
102 amount listed in paragraph (b). Notwithstanding paragraph (b), a  
103 person cited for exceeding the speed limit by up to 5 m.p.h. in  
104 a legally posted enhanced penalty zone shall pay a fine amount  
105 of \$50.

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106        1. Fifty percent of the moneys received from the enhanced  
 107 fine imposed by this paragraph shall be remitted to the  
 108 Department of Revenue and deposited into the Department of  
 109 Health Administrative Trust Fund to provide financial support to  
 110 certified trauma centers to ensure the availability and  
 111 accessibility of trauma services throughout the state. Funds  
 112 deposited into the Administrative Trust Fund under this  
 113 paragraph shall be allocated as follows:

114            a. Fifty percent shall be allocated equally among all  
 115 Level I, Level II, and pediatric trauma centers in recognition  
 116 of readiness costs for maintaining trauma services.

117            b. Fifty percent shall be allocated among Level I, Level  
 118 II, and pediatric trauma centers based on each center's relative  
 119 volume of trauma cases as reported in the Department of Health  
 120 Trauma Registry.

121        2. The remainder of the enhanced fine moneys imposed by  
 122 this paragraph shall be remitted for disposition under s.  
 123 318.21.

124            Section 4. Subsections (4) and (5) of section 318.21,  
 125 Florida Statutes, are amended to read:

126            318.21 Disposition of civil penalties by county  
 127 courts.--All civil penalties received by a county court pursuant  
 128 to the provisions of this chapter shall be distributed and paid  
 129 monthly as follows:

130            (4) Of the additional fine assessed under s.  
 131 318.18(3) (f) ~~(e)~~ for a violation of s. 316.1301, 40 percent must  
 132 be remitted to the Department of Revenue for deposit in the  
 133 Grants and Donations Trust Fund of the Division of Blind

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134 Services of the Department of Education, and 60 percent must be  
135 distributed pursuant to subsections (1) and (2).

136 (5) Of the additional fine assessed under s.  
137 318.18(3) (f) ~~(e)~~ for a violation of s. 316.1303, 60 percent must  
138 be remitted to the Department of Revenue for deposit in the  
139 endowment fund for the Florida Endowment Foundation for  
140 Vocational Rehabilitation, and 40 percent must be distributed  
141 pursuant to subsections (1) and (2) of this section.

142 Section 5. For the purpose of incorporating the amendment  
143 made by this act to section 318.18, Florida Statutes, in  
144 references thereto, subsections (2), (5), and (9) of section  
145 318.14, Florida Statutes, are reenacted to read:

146 318.14 Noncriminal traffic infractions; exception;  
147 procedures.--

148 (2) Except as provided in s. 316.1001(2), any person cited  
149 for an infraction under this section must sign and accept a  
150 citation indicating a promise to appear. The officer may  
151 indicate on the traffic citation the time and location of the  
152 scheduled hearing and must indicate the applicable civil penalty  
153 established in s. 318.18.

154 (5) Any person electing to appear before the designated  
155 official or who is required so to appear shall be deemed to have  
156 waived his or her right to the civil penalty provisions of s.  
157 318.18. The official, after a hearing, shall make a  
158 determination as to whether an infraction has been committed. If  
159 the commission of an infraction has been proven, the official  
160 may impose a civil penalty not to exceed \$500, except that in  
161 cases involving unlawful speed in a school zone or involving

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162 unlawful speed in a construction zone, the civil penalty may not  
163 exceed \$1,000; or require attendance at a driver improvement  
164 school, or both. If the person is required to appear before the  
165 designated official pursuant to s. 318.19(1) and is found to  
166 have committed the infraction, the designated official shall  
167 impose a civil penalty of \$1,000 in addition to any other  
168 penalties and the person's driver's license shall be suspended  
169 for 6 months. If the person is required to appear before the  
170 designated official pursuant to s. 318.19(2) and is found to  
171 have committed the infraction, the designated official shall  
172 impose a civil penalty of \$500 in addition to any other  
173 penalties and the person's driver's license shall be suspended  
174 for 3 months. If the official determines that no infraction has  
175 been committed, no costs or penalties shall be imposed and any  
176 costs or penalties that have been paid shall be returned. Moneys  
177 received from the mandatory civil penalties imposed pursuant to  
178 this subsection upon persons required to appear before a  
179 designated official pursuant to s. 318.19(1) or (2) shall be  
180 remitted to the Department of Revenue and deposited into the  
181 Department of Health Administrative Trust Fund to provide  
182 financial support to certified trauma centers to assure the  
183 availability and accessibility of trauma services throughout the  
184 state. Funds deposited into the Administrative Trust Fund under  
185 this section shall be allocated as follows:

186 (a) Fifty percent shall be allocated equally among all  
187 Level I, Level II, and pediatric trauma centers in recognition  
188 of readiness costs for maintaining trauma services.

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189 (b) Fifty percent shall be allocated among Level I, Level  
190 II, and pediatric trauma centers based on each center's relative  
191 volume of trauma cases as reported in the Department of Health  
192 Trauma Registry.

193 (9) Any person who does not hold a commercial driver's  
194 license and who is cited for an infraction under this section  
195 other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),  
196 s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu  
197 of a court appearance, elect to attend in the location of his or  
198 her choice within this state a basic driver improvement course  
199 approved by the Department of Highway Safety and Motor Vehicles.  
200 In such a case, adjudication must be withheld; points, as  
201 provided by s. 322.27, may not be assessed; and the civil  
202 penalty that is imposed by s. 318.18(3) must be reduced by 18  
203 percent; however, a person may not make an election under this  
204 subsection if the person has made an election under this  
205 subsection in the preceding 12 months. A person may make no more  
206 than five elections under this subsection. The requirement for  
207 community service under s. 318.18(8) is not waived by a plea of  
208 nolo contendere or by the withholding of adjudication of guilt  
209 by a court.

210 Section 6. For the purpose of incorporating the amendment  
211 made by this act to section 318.18, Florida Statutes, in  
212 references thereto, paragraph (a) of subsection (1) and  
213 subsection (2) of section 318.15, Florida Statutes, are  
214 reenacted to read:

215 318.15 Failure to comply with civil penalty or to appear;  
216 penalty.--



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217 (1) (a) If a person fails to comply with the civil  
218 penalties provided in s. 318.18 within the time period specified  
219 in s. 318.14(4), fails to attend driver improvement school, or  
220 fails to appear at a scheduled hearing, the clerk of the court  
221 shall notify the Division of Driver Licenses of the Department  
222 of Highway Safety and Motor Vehicles of such failure within 10  
223 days after such failure. Upon receipt of such notice, the  
224 department shall immediately issue an order suspending the  
225 driver's license and privilege to drive of such person effective  
226 20 days after the date the order of suspension is mailed in  
227 accordance with s. 322.251(1), (2), and (6). Any such suspension  
228 of the driving privilege which has not been reinstated,  
229 including a similar suspension imposed outside Florida, shall  
230 remain on the records of the department for a period of 7 years  
231 from the date imposed and shall be removed from the records  
232 after the expiration of 7 years from the date it is imposed.

233 (2) After suspension of the driver's license and privilege  
234 to drive of a person under subsection (1), the license and  
235 privilege may not be reinstated until the person complies with  
236 all obligations and penalties imposed on him or her under s.  
237 318.18 and presents to a driver license office a certificate of  
238 compliance issued by the court, together with a nonrefundable  
239 service charge of up to \$47.50 imposed under s. 322.29, or  
240 presents a certificate of compliance and pays the aforementioned  
241 service charge of up to \$47.50 to the clerk of the court or tax  
242 collector clearing such suspension. Of the charge collected by  
243 the clerk of the court or the tax collector, \$10 shall be  
244 remitted to the Department of Revenue to be deposited into the

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245 Highway Safety Operating Trust Fund. Such person shall also be  
246 in compliance with requirements of chapter 322 prior to  
247 reinstatement.

248 Section 7. For the purpose of incorporating the amendment  
249 made by this act to section 318.18, Florida Statutes, in a  
250 reference thereto, subsection (7) of section 318.21, Florida  
251 Statutes, is reenacted to read:

252 318.21 Disposition of civil penalties by county  
253 courts.--All civil penalties received by a county court pursuant  
254 to the provisions of this chapter shall be distributed and paid  
255 monthly as follows:

256 (7) For fines assessed under s. 318.18(3) for unlawful  
257 speed, the following amounts must be remitted to the Department  
258 of Revenue for deposit in the Nongame Wildlife Trust Fund:

For speed exceeding the limit by:	Fine:
261 1-5 m.p.h.	\$ .00
262 6-9 m.p.h.	\$ .25
263 10-14 m.p.h.	\$ 3.00
264 15-19 m.p.h.	\$ 4.00
265 20-29 m.p.h.	\$ 5.00
266 30 m.p.h. and above.	\$10.00

267  
268 The remaining amount must be distributed pursuant to subsections  
269 (1) and (2).

270 Section 8. For the purpose of incorporating the amendment  
271 made by this act to section 318.18, Florida Statutes, in a

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272 reference thereto, paragraph (b) of subsection (4) of section  
273 402.40, Florida Statutes, is reenacted to read:

274 402.40 Child welfare training.--

275 (4) CHILD WELFARE TRAINING TRUST FUND.--

276 (b) One dollar from every noncriminal traffic infraction  
277 collected pursuant to s. 318.14(10)(b) or s. 318.18 shall be  
278 deposited into the Child Welfare Training Trust Fund.

279 Section 9. For the purpose of incorporating the amendment  
280 made by this act to section 318.18, Florida Statutes, in a  
281 reference thereto, paragraph (b) of subsection (4) of section  
282 985.406, Florida Statutes, is reenacted to read:

283 985.406 Juvenile justice training academies established;  
284 Juvenile Justice Standards and Training Commission created;  
285 Juvenile Justice Training Trust Fund created.--

286 (4) JUVENILE JUSTICE TRAINING TRUST FUND.--

287 (b) One dollar from every noncriminal traffic infraction  
288 collected pursuant to ss. 318.14(10)(b) and 318.18 shall be  
289 deposited into the Juvenile Justice Training Trust Fund.

290 Section 10. This act shall take effect July 1, 2006.